

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES LEE BRANCAMP,

Defendant.

CR 24–28–BU–DLC

ORDER

Before the Court is United States Magistrate Judge Kathleen L. DeSoto’s Findings & Recommendation Concerning Plea. (Doc. 27.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

James Lee Brancamp is charged with one count of possession with intent to distribute fentanyl, in violation of 21 U.S.C. § 841(a)(1) (Count I), one count of possession of a firearm in furtherance of a drug trafficking crime, in violation of 21 U.S.C. § 924(c)(1)(A) (Count II), and one count of possession of an unregistered firearm, in violation of 26 U.S.C. § 5861(d) (Count III), as well as a criminal

forfeiture allegation. (Doc. 1.) Judge DeSoto recommends that this Court accept Brancamp's guilty plea as to Count I and Count III after Brancamp appeared before her pursuant to Federal Rule of Criminal Procedure 11. (Doc. 27.) Judge DeSoto also recommends that the agreed forfeiture be imposed against Defendant. (*Id.* at 3.) The Court finds no clear error in Judge DeSoto's Findings and Recommendation and adopts them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Judge DeSoto's Findings and Recommendation (Doc. 27) is ADOPTED in full.

IT IS FURTHER ORDERED that Brancamp's motion to change plea (Doc. 19) is GRANTED.

IT IS FURTHER ORDERED that Brancamp is adjudged guilty as charged in Counts I and III of the Indictment.

DATED this 27th day of December, 2024.



Dana L. Christensen, District Judge
United States District Court